

MICHAEL S. LAWSON (SBN 048172)

City Attorney

MICHAEL G. VIGILIA (SBN 228353)

Senior Assistant City Attorney

CITY OF HAYWARD

777 B Street, 4th Floor

Hayward, CA 94541-5007

Tel: (510) 583-4450

Fax: (510) 583-3660

[Michael.lawson@hayward-ca.gov](mailto:Michael.lawson@hayward-ca.gov)

[Michael.vigilia@hayward-ca.gov](mailto:Michael.vigilia@hayward-ca.gov)

Attorneys for Defendants

CITY OF HAYWARD, MARK KOLLER

PHILLIP WOOLEY, MICHAEL CLARK

TASHA DECOSTA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AG.G., a minor, by and through his guardian  
ad litem, JESSICA AQUINO; AR.G., a minor,  
by and through his guardian ad litem,  
JESSICA AQUINO; KARLA GONSALEZ,  
individually; and AUGUSTIN GONZALES  
JR., individually;

Plaintiffs,

v.

CITY OF HAYWARD, a municipal  
corporation; MARK KOLLER, individually;  
PHILLIP WOOLEY, individually; MICHAEL  
CLARK, individually; TASHA DECOSTA,  
individually; and DOES 1-100, inclusive,

Defendant.

Case No. 4:19-cv-00697 DMR

*Assigned for All Purposes to Hon. Donna Ryu*

**DECLARATION OF MICHAEL VIGILIA IN  
SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT, OR ALTERNATIVELY SUMMARY  
ADJUDICATION OF ISSUES; MEMORANDUM  
OF POINTS AND AUTHORITIES. (Fed. R. Civ. P.  
56)**

**HRG DATE: 7/9/20**

**TIME: 1:00 p.m.**

**DEPT: Courtroom 4, Oakland Courthouse**

**AMENDED COMPLAINT FILED: 4/12/19**

**SERVED: 4/19/19**

**TRIAL DATE: 10/5/20**

I, MICHAEL VIGILIA, declare as follows:

1. I am an attorney in good standing and duly licensed to practice law in the State of California and before the United States District Court for the Northern District of California. I am employed by

1 the City of Hayward as an Assistant City Attorney and I am the attorney assigned to this matter. I  
2 have personal knowledge of the following facts and, if called and sworn as a witness, can testify  
3 competently thereto.

4 2. Attached hereto are true and correct copies of the following:

- 5 • Exhibit A - Excerpts from Deposition of Phillip Wooley.
- 6 • Exhibit B - Excerpts from Deposition of Michael Clark.
- 7 • Exhibit C - Excerpts from Deposition of Tasha DeCosta
- 8 • Exhibit D - Excerpts from Deposition of Christina Rodrigues.
- 9 • Exhibit E - Excerpts form Deposition of Jason Gillett.
- 10 • Exhibit F - Excerpts from Deposition of Mark Ormsby.
- 11 • Exhibit G - Excerpts form Deposition of Trevor Vonnegut.
- 12 • Exhibit H - Excerpts from Deposition of Chris McGiboney.

13 I declare under penalty of perjury under the laws of the State of California and the United States that the  
14 foregoing is true and correct.

15 Executed this 4 day of June, 2020 in Hayward, California.

16 By: \_\_\_\_\_

17 MICHAEL VIGILIA, Declarant